

REMARKS

Claims 1-5 and 18-32 are pending.

Claims 22-32 were identified as being withdrawn by the Examiner.

Claim 20 was objected.

Claims 1-5 and 18-21 were rejected.

Claims 1-5 and 19-21 are amended.

Claims 18 and 22-32 are cancelled, herein.

Claims 33-45 are new. No new subject matter is added.

Election/Restriction of Claims

The Examiner has indicated that claims 22-32 are directed to an invention that is independent or distinct from the invention originally claimed for the reason that “These additional apparatus inventions have different resistor configurations in comparison to the originally claimed invention.”

Applicant respectfully submits that the reasons provided for restricting out the claims do not meet the USPTO’s guidelines that include two criteria for a proper requirement for restriction between patentably distinct inventions and a reason to support the conclusion (MPEP 803 sections I and II). The criteria include: A. The inventions must be independent or distinct as claimed; and B. There would be a serious burden on the examiner if restriction is not required. Examiner’s conclusory statement that the claim sets have “different resistor configurations” fails to clearly identify why claims that recite different resistor configurations would be considered distinct or independent, or why examination would be a burden. Is Examiner suggesting that every claim set that includes a different resistor configuration would be a different invention?

Accordingly, Applicant respectfully requests that the Examiner point out with specificity the difference between the resistor configuration in the claims sets that make them independent or distinct, so that Applicant may be able to determine the species/groups that might be claimed in a divisional application.

Claim Objection

Claim 20 is objected to for informalities. Applicant amends claim 20 substantially as proposed by the Examiner. In view of the amendment, the objection is believed to be moot.

Rejection of claims 1-5 and 18-21 under 35 USC § 112

The Examiner rejected claims 1-5 and 18-21 under 35 U.S.C. § 112, first paragraph as being indefinite or as omitting essential elements.

Whereas Applicant does not necessarily agree that any features that were not recited by the previously presented claims are essential to the invention, Applicant nevertheless amends claims 1-5 and 19-21 to correct antecedent basis and to further clarify the novel features recited therein in order to further prosecution. The amendment of claims 1-5 and 19-21 is not being made to overcome any cited reference. Amended claims 1-5 and 19-21 are believed to be in condition for allowance, and withdrawal of the rejection is respectfully requested.

New Claims

New claims 33-43 include similar features as recited in claims 22-32, now cancelled, except that a connection of the first resistor, second resistor or resistive means is similarly described or the same as recited by claim 1. Applicant respectfully submits that examination of all pending claims is appropriate.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-5, 19-21 and 33-45 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

STOLOWITZ FORD COWGER LLP

A handwritten signature in cursive script, reading "Bryan Kirkpatrick".

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